

## OWNERS OF BRITISH STEAMSHIP ESPARTA.

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JUNE 15, 1910.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. KITCHIN, from the Committee on Claims, submitted the following

### REPORT.

[To accompany H. Res. No. 802.]

The Committee on Claims, to whom was referred the bill (H. R. 10551) for the relief of the owners of the British steamship *Esparta*, having considered the same, report thereon with a recommendation that in lieu thereof the following resolution be passed:

*Resolved*, That the bill (H. R. 10551) for the relief of the owners of the steamship *Esparta*, with all accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March third, eighteen hundred and eighty-seven, and generally known as the "Tucker Act."

The British steamship *Esparta* collided with the United States tender *Magnolia* about 60 miles below New Orleans on the Mississippi River on the night of October 26, 1905. Both ships sustained damages. Each claims that the collision was the fault of the other. Admiralty proceedings were begun in the eastern district of Louisiana against the *Esparta* for the recovery of damages sustained by the *Magnolia*.

Both in the court below and in the circuit court of appeals it was held that the collision was caused by no fault of the *Esparta*, but by negligence of the *Magnolia*. No recovery was, therefore, had. The officers of the *Magnolia* contend that the *Magnolia* was not in fault, but that the *Esparta* was. The Steamboat-Inspection Service investigated the matter and reported that the collision was caused by the negligence of the *Esparta* and not by the *Magnolia*. The facts, both as to the cause of the collision and amount of damages sustained by the *Esparta* are not, according to the evidence before the committee, clear. We, therefore, recommend the passage of the resolution that the bill be referred to the Court of Claims to find the facts and report the same to the House.

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DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, March 12, 1910.

DEAR SIR: With further reference to the committee's indorsement, of the 19th ultimo, transmitting a copy of H. R. 10551, Sixty-first Congress, first session, a bill for the relief of the owners of the steamship *Esparta*, and asking that the committee

be furnished with all the facts and information concerning the matter in the possession of this department, also an opinion touching the merits of the claim, I beg to inclose herewith a copy of the official report of the facts concerning the collision, dated October 27, 1905, by Commander James H. Sears, U. S. Navy, then inspector of the eighth light-house district, under whose direction the tender *Magnolia* was then serving.

Regarding the merits of any claim the owners of the steamship *Esparta* might make against the United States, I beg to inclose herewith a copy of the report of the Steamboat-Inspection Service, dated November 25, 1905, which states that the collision was caused by the *Esparta*. In this connection, however, the attention of the committee is invited to the decision of the circuit court of appeals dismissing a libel by the United States against the *Esparta*, and holding the *Magnolia* wholly at fault for the collision as reported in 160 Federal Reporter, page 289.

In view of the doubt regarding the merits of the case, I do not see any objection to the enactment of this measure, and I therefore recommend its favorable consideration by Congress.

Respectfully,

HON. GEO. W. PRINCE,  
Chairman of the Committee on Claims,  
House of Representatives.

BENJ. S. CABLE,  
Acting Secretary.

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DEPARTMENT OF COMMERCE AND LABOR,  
STEAMBOAT-INSPECTION SERVICE,  
New Orleans, La., November 25, 1905.

Collision between steamships *Esparta* and *Magnolia*.

After carefully considering the evidence in the above case, we find Capt. William H. Field, of the steamer *Magnolia* not guilty, as charged, of violating Rules I and III, Inland Rules; but we do find that said collision was caused by the steamship *Esparta* violating Rule I, in starboarding her wheel and attempting to pass to the starboard of the steamer *Magnolia* when said steamer *Magnolia's* red light was in sight, and also violating Rule III in answering one whistle with two.

The steamship *Esparta* being a British ship, Capt. Patrice F. Arroyo, acting as pilot was not acting under the authority of his license by department decision No. 19115, March 18, 1898, and No. 6665, November 29, 1884; therefore this board has no jurisdiction over his actions while acting as pilot of said *Esparta*.

Respectfully,

BENJ. F. KELLY,  
CECIL N. BEAN,  
United States Local Inspectors.

A true copy.

GEO. UHLER,  
Supervising Inspector-General.

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DEPARTMENT OF COMMERCE AND LABOR,  
LIGHT-HOUSE ESTABLISHMENT,  
New Orleans, La., October 27, 1905.

SIRS: I have the honor and the regret to report that at 11 p. m. last evening the light-house tender *Magnolia* was collided with by the steamer *Esparta* off Sixty Mile Point, in the Mississippi River, under the following circumstances:

The *Magnolia* was proceeding down the river, keeping nearly to the middle of the stream. The night was clear and fine, and every precaution had been taken to provide against any chance of accident. The master of the tender, William H. Field, was on the bridge, and with him were the first and second officers. Just before 11 p. m., the second officer was sent to call a pilot, Mr. Proctor, who had offered his services, and who had retired earlier, leaving instructions to be called at 11.

The presidential party had retired shortly before, upon the completion of dinner, and I had been forward and found all well, and had then gone into the captain's stateroom, occupied jointly by Major Craighill and myself, the *Ivy* having preceded us down the river and Major Craighill accompanying me to assist in the entertainment of the presidential party. At this time, while making arrangements for the morning, I noticed the 2 blasts of the whistle for an approaching vessel, heard no answer, then heard the 1 blast from the *Magnolia* followed by the 4 short blasts

and the engine signals. I went at once to the forward deck and found a vessel close aboard on the port bow, showing range lights and the green light, forging ahead, while the *Magnolia's* engines were backing and she was paying off to starboard. The contact was then unavoidable with the headway of the *Esparta*. The *Esparta* struck the port bow of the *Magnolia* forward of the bulkhead, dividing the crew space from the hold with enough force to heel the *Magnolia*, turn her head upstream, and injure the hull below the water line. The vessels came alongside of each other, and the *Esparta's* headway carried her clear of the *Magnolia*. The *Magnolia*, when clear, was at once run bows on upon the right river bank at Sixty Mile Point, the *Esparta*, uninjured, touching the bank to the westward as she had not succeeded in clearing the point. The *Ivy* was intercepted by telephone, and returned to the point, when the presidential party transferred to that vessel, which proceeded to the *West Virginia*, lying off South Pass light-vessel. The President was thus enabled to carry out his plans, and left South Pass on board the *West Virginia* at the time previously arranged for.

I procured some necessary material at the light-house depot at Port Eads, and will make such temporary repairs as will enable the *Magnolia* to proceed to New Orleans, where an estimate for repairs can be prepared for the board.

Major Craighill with the *Ivy* is rendering me every assistance within his power.

As soon as the safety of the vessel and the presidential party had been assured, I took the independent statements of the officers who were upon duty, and they are herewith inclosed.

I had impressed upon the master the need of absolute security upon this occasion. The master was fully alive, is experienced, and has hitherto never met with an accident during the many years he has navigated this river.

In my opinion, the technical blame rests upon the master and pilot of the *Esparta*.

The *Magnolia* was proceeding down the stream, taking advantage of the strength of the mid stream. When to the westward of Sixty-Mile Point, the master saw the green light of a steamer and the range lights upon his starboard bow. He then gave the signal for passing to starboard, two whistles. This he claims was not answered. It was repeated, also without answer; and at this time the approaching vessel showed both side lights ahead. The master of the *Magnolia* then blew one whistle and ported the helm. He claims the answer was two whistles, upon which he gave the four short blasts and put the engines full speed astern.

When I reached the deck, upon hearing the one whistle, I found the *Magnolia's* engines at full speed astern, with the *Esparta* forging ahead toward us, with only the range lights and green light visible. Collision was then unavoidable.

The *Magnolia* has a reliable and powerful steam whistle. She was proceeding with the current and gave the proper signals. If they had been observed, or if the *Esparta* had gone astern full speed upon the danger signal of the master of the *Magnolia*, the accident could not have occurred. That the *Esparta* had not reversed the engines when the situation became doubtful is clearly shown by the force with which she struck and turned the *Magnolia* to head upstream. The *Magnolia* also had the right of way at all times.

In view of this statement of facts, I am convinced that the *Esparta* was to blame.

The supervising inspector of steam vessels is to investigate the matter at once, and the United States attorney has requested instructions as to libel of the *Esparta*, pending investigation.

Work is proceeding to fit the *Magnolia* to steam to New Orleans, and I hope to have her do so in a few days. I am not fully able to state the full extent of the damage nor to estimate the time necessary to repair her at the present time. She is badly damaged, but I think it is confined to the details and not structural and that repairs will consist in replacing broken plates, frames, and beams, straightening others, and carpenter work. I will keep the board fully advised and will hasten the work.

Major Craighill, with the *Ivy*, will stand by the work as long as necessary.

The *Esparta* is an English steamer under charter by the United Fruit Company.

Very respectfully,

JAMES H. SEARS,

Commander, U. S. Navy, Inspector Eighth Light-House District.

The LIGHT-HOUSE BOARD.

#### STATEMENT OF MR. WILLIAM H. FIELD, MASTER OF THE LIGHT-HOUSE TENDER "MAGNOLIA."

At about 11 p. m. on the 26th of October, 1905, while proceeding down the Mississippi River, and nearly abreast of Sixty Mile Point, being in midstream, I saw a steamer's range lights and the green light on my starboard bow. I blew two whistles

to pass her to starboard, and getting no answer I repeated the signal, and still not getting any answer, and she having now shown both lights, the red and green, and bearing ahead, I blew one whistle and ported. The steamer answered with two whistles. I then at once blew the four short blasts and stopped and backed full speed. The steamer answered and then very shortly struck us on the port bow, just forward of the bulkhead between the crew's space and the hold. The inspector gave instructions to run the vessel on the beach. The two vessels were now side by side and the headway of the *Esparta* was such that she rapidly went ahead of us, but her engines, I think, were now backing, and we passed under her stern in running for shore, her headway being checked; her counter damaged our starboard rail, rigging, and stanchions, and destroyed the dingey. The vessel was run on shore on Sixty Mile Point, bows on, the *Esparta* beaching just north of us.

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STATEMENT OF MR. ALBERT C. NIEMAN, FIRST MATE OF THE LIGHT-HOUSE TENDER  
"MAGNOLIA."

I was on deck, and about 11 o'clock I saw a steamer coming up the river on our starboard bow, showing a green light. We blew two whistles and got no answer. Two whistles were again blown, when the vessel showed both lights and bore ahead, and he answered with one whistle. I told Captain Field "It's a cross signal" and the Captain blew four short blasts and stopped and backed the engines. The steamer then struck us on the port bow.

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STATEMENT OF MR. JOHN C. PROCTOR, LOUISIANA BAR PILOT, WHO WAS ON BOARD THE  
LIGHT-HOUSE TENDER "MAGNOLIA."

The second officer called me at about 11 p. m. After getting out of bed I heard two whistles blown on the *Magnolia*, but heard no answer. Shortly thereafter the *Magnolia* blew one whistle; I immediately went on the bridge, and the *Magnolia* was heading toward the right bank of the river, being about one-third of the width from the right bank. A steamer was on the port bow about 4 points, showing both side lights. The steamer immediately put her helm to starboard and showed the green light. The *Magnolia* now gave the danger signal, which was answered with two blasts. Being on the bridge, I sang out to go full speed astern. At this instant the master of the *Magnolia* rang full speed astern, and the *Magnolia* was swinging to starboard at this time rapidly. The *Magnolia* while swinging and backing was struck by the steamer *Esparta* on the port bow. The *Magnolia* cleared herself and backed away from the *Esparta*. After striking the *Magnolia* the headway of the *Esparta* was such as to swing the *Magnolia* head upstream and to carry the *Esparta* ahead and clear of the *Magnolia*. After clearing, the helm was put hard astarboard and the starboard engine, I know, was turned ahead full speed. The *Magnolia* was run ashore on Sixty Mile Point. The weather was fine and clear, bright starlight, no moon.

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STATEMENT OF MR. CAESAR F. D'ALMBOE, SECOND MATE OF THE LIGHT-HOUSE TENDER  
"MAGNOLIA."

I came on deck from calling Mr. Proctor and saw the two side lights of a vessel right ahead. I heard the captain blow one whistle and the answer of two whistles. The engines were stopped and the danger signal given—four short blasts. The steamer then struck us.